

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Terry Murphy, on February 8, 2011 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Terry Murphy, Chair (R)
Sen. Jim Shockley, Vice Chair (R)
Sen. Shannon Augare (D)
Sen. Anders Blewett (D)
Sen. Jeff Essmann (R)
Sen. Greg Hinkle (R)
Sen. Rowlie Hutton (R)
Sen. Larry Jent (D)
Sen. Cliff Larsen (D)
Sen. Lynda Moss (D)
Sen. Jim Peterson (R)
Sen. Chas Vincent (R)

Members Excused: None

Members Absent: None

Staff Present: Valencia Lane, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 185, 1/17/2011

HEARING ON SB 185

Opening Statement by Sponsor:

00:01:08 Sen. David Wanzenried (D), SD 49, opened the hearing on SB 185, Abolish death penalty and replace with life in prison w/o parole.

[EXHIBIT\(jus31a01\)](#)

[EXHIBIT\(jus31a02\)](#)

Proponents' Testimony:

00:20:21 Jacqueline Lenmark, Montana Abolition Coalition

[EXHIBIT\(jus31a03\)](#)

00:26:55 Diana Cote, self, Confederated Salish and Kootenai Tribe, mother of murder victim, Tesheena Craft

00:32:14 Randy Steidl, self, convicted Death Row inmate/survivor/Illinois, released 2004

00:37:16 Ron Waterman, Attorney

[EXHIBIT\(jus31a04\)](#)

[EXHIBIT\(jus31a05\)](#)

00:44:52 Ron McAndrew, retired Warden, Florida State Prison

[EXHIBIT\(jus31a06\)](#)

00:52:13 John Sheehy, retired, Attorney, Former Montana Supreme Court Justice

[EXHIBIT\(jus31a07\)](#)

00:57:33 Chris Ochoa, self, convicted Death Row inmate/survivor/Texas, released 2002

01:05:51 Matt Kuntz, Executive Director, NAMI of Montana

01:09:27 John Connor, former Chief of Special Prosecutions Office, Montana Attorney General's Office

01:15:11 Tony Poelman, brother of murder victim, Bernie Poelman, also for Marietta Yeager Lane, mother of murder victim, Susie Jaeger

[EXHIBIT\(jus31a08\)](#)

01:16:03 Tom Biglen, self, former Sweetgrass county

01:18:29 Phillip Masters, Pastor, Gateway Christian Fellowship, Montana District of Assembly of God Churches, also for Alan Warneke

01:21:18 Linda Wetzel, self, Teacher, also for Robert Flipovich

[EXHIBIT\(jus31a09\)](#)

[EXHIBIT\(jus31a10\)](#)

01:26:41 Jim Brown, Montana Association of Churches

[EXHIBIT\(jus31a11\)](#)

01:27:24 Moe Wosepka, Montana Catholic Conference

[EXHIBIT\(jus31a12\)](#)

01:27:42 Franklin Brookhart, Bishop, Episcopal Church USA

01:28:03 Beth Brenneman, Disability Rights Montana

Exhibits given to the Committee Members at the conclusion of the Proponents allotted time regarding SB 185:

EXHIBIT(jus31a13)

Ziggy Ziegler, Chairman, Montana Catholic Conference, son of murdered father, former Yellowstone County Commissioner

EXHIBIT(jus31a14)

Mary Kay Raftery, mother of murdered son, Paul Raftery

EXHIBIT(jus31a15)

Carolyn Madplume, mother of murdered daughter, Catherine Madplume

EXHIBIT(jus31a16)

Roy Brown, former Legislator, Senator/Representative, State of Montana

EXHIBIT(jus31a17)

Jim Kizer, former police officer, City of Great Falls

EXHIBIT(jus31a18)

Liz Rantz, physician

EXHIBIT(jus31a19)

Mary Fay, former parole and probation officer, Department of Corrections, State of Montana

EXHIBIT(jus31a20)

Bob Wallace, former police officer, Dillon, Montana, former teacher, Montana State Prison

EXHIBIT(jus31a21)

Dan Oberweiser, Licensed Addiction Counselor, State of Montana, previously counselor, Montana State Prison

EXHIBIT(jus31a22)

Dick Meeker, former chief Probation Officer, State of Montana

EXHIBIT(jus31a23)

Ronald Gerughty, retired Pathologist

EXHIBIT(jus31a24)

Dion Cassidy, former law enforcement officer

EXHIBIT(jus31a25)

Bishop Jessica Crist, Evangelical Lutheran Church In America

EXHIBIT(jus31a26)

Jeffrey Renz, attorney

EXHIBIT(jus31a27)

Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

EXHIBIT(jus31a28)

Margarita McLarty, self

(Committee took a brief recess)

Opponents' Testimony:

01:38:29 Rep. Roy Hollingsworth, HD 28, brother and son of murdered family members

01:44:44 Rep. Tom Berry HD 45, father of murdered son

01:50:17 Cindy Swank, self

EXHIBIT(jus31a29)

01:54:15 Rep. Joe Read, HD 15

02:00:46 Bertold Gottlieb "B.G." Stumberg, III, minister, Canyon Ferry Baptist Church

02:03:22 Sen. Moss-objection

02:03:28 Chairman Murphy-response

02:03:38 Sen. Augare-objection

02:03:43 Sen. Larsen-objection

02:05:22 Harris Himes, Montana Eagle Forum, Pastor

02:13:17 Sen. Moss-objection

02:13:31 Chairman Murphy-response

02:14:03 Mr. Himes

02:14:52 Jeff Laszloffy, self

02:23:08 Rep. Janna Taylor HD 11

02:31:06 Becky Stockton, self

Informational Testimony:

02:32:37 Fritz Gillespie, Attorney, Chairman of Commission, Office of Public Defender
(OPD)

EXHIBIT(jus31a30)

Questions from Committee Members and Responses:

02:33:47 Sen. Moss

02:34:45 Mr. Connor

02:36:50 Sen. Moss

02:37:20 Mr. McAndrew

02:38:12 Sen. Larsen

02:38:59 Mr. Connor

02:42:47 Sen. Augare

02:43:41 Mr. Wosepka

02:44:57 Sen. Augare

02:45:26 Mr. Connor

02:47:33 Sen. Shockley

02:48:19 Mr. Connor

02:49:23 Sen. Vincent

02:49:46 Mr. Laszloffy

Closing by Sponsor:

02:50:12 Sen. Wanzenried

Committee Business:

03:02:21 Chairman Murphy

ADJOURNMENT

Adjournment: 11:07 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus31aad.pdf](#))